

**2 Pages**

JASON E. RIOS, State Bar No. 190086  
FELDERSTEIN FITZGERALD  
WILLOUGHBY & PASCUZZI LLP  
400 Capitol Mall, Suite 1750  
Sacramento, CA 95814  
Telephone: (916) 329-7400  
Facsimile: (916) 329-7435  
e-mail: jrios@ffwplaw.com

DARRELL W. CLARK, ESQ.  
(*pro hac vice* to be filed)  
STINSON LEONARD STREET LLP  
1775 Pennsylvania Ave., NW, Suite 800  
Washington, DC 20006  
Telephone: (202) 785-9100  
Facsimile: (202) 785-9163  
e-mail: darrell.clark@stinson.com

Attorneys for Cerner Corporation and  
Cerner Health Services, Inc.

## UNITED STATES BANKRUPTCY COURT

## EASTERN DISTRICT OF CALIFORNIA

## FRESNO DIVISION

In re

TULARE LOCAL HEALTHCARE  
DISTRICT, dba TULARE REGIONAL  
MEDICAL CENTER,

Debtor.

CASE NO.: 17-13797-B-9

Chapter 9

DCN: FWP-1

Date: February 14, 2019

Time: 9:30 a.m.

Place: 2500 Tulare Street  
Fresno, CA 93721

Courtroom 13

Judge: Hon. Rene Lastreto II

**REQUEST FOR ALLOWANCE AND PAYMENT OF ADMINISTRATIVE EXPENSE  
CLAIM OF CERNER CORPORATION AND CERNER HEALTH SERVICES, INC.**

COME NOW Cerner Corporation ("Cerner Corp.") and its subsidiary, Cerner Health Services, Inc. ("Cerner HS" and collectively with Cerner Corp., "Cerner"), creditors and parties-in-interest of Tulare Local Healthcare District d/b/a Tulare Regional Medical Center ("Debtor"), by and through undersigned counsel, and file this Request for Allowance and Payment of Administrative Expense Claim (the "Administrative Request") against Tulare Local Healthcare District dba Tulare Regional Medical Center ("Debtor") pursuant to 11 U.S.C. § 503, made

1 applicable in this Chapter 9 proceeding by 11 U.S.C. § 901.

2 In support of the Administrative Request, Cerner submits, and incorporates herein by this  
3 reference its Memorandum of Points and Authorities in support of the Administrative Request  
4 (the “Points and Authorities”), and the Declaration of Sara Meinhard in support of the  
5 Administrative Request (the “Meinhard Declaration”) and exhibits thereto, each filed  
6 concurrently herewith.

7 Good cause exists to grant the relief sought herein. As set forth in the Points and  
8 Authorities and the Meinhard Declaration, the Debtor has been using Cerner’s licensed software  
9 but the Debtor has not made any post-petition payments to Cerner as required under the IT and  
10 Managed Services Agreement and related additional contracts, amendments, schedules and  
11 arrangement letters between the parties (the “Agreement”). The services at issue were integral to  
12 the Debtor’s ability to reopen and now operate its hospital post-petition. The unpaid amounts  
13 past due and still owing under the Agreement for the services that Cerner has provided to the  
14 Debtor from July 20, 2018 through January 2, 2019 total \$562,225.65. Cerner makes and bases  
15 this Administrative Request on the above allegations and representations, the Points and  
16 Authorities, the Meinhard Declaration, all pleadings papers and other documents on file with the  
17 Court and such other evidence, both oral and documentary, that may be presented to the Court on  
18 this Administrative Request.

19 **WHEREFORE**, Cerner respectfully prays that the Court enter an order allowing and  
20 directing payment as an administrative expense of unpaid amounts past due and still owing from  
21 July 20, 2018 through January 2, 2019 in the amount of \$562,225.65.

22 DATED: January 14, 2019

23 FELDERSTEIN FITZGERALD  
24 WILLOUGHBY & PASCUZZI LLP

25 By: /s/ Jason E. Rios  
26 JASON E. RIOS  
27 Attorneys for Cerner Corporation and  
28 Cerner Health Services, Inc.